

REMARKS

With this amendment of the above-referenced application, Applicant amends claims 1 and 17. Claims 1-17 are currently pending.

Allowed and Allowable Claims

The Applicant would like to thank the Examiner for allowing claims 10-16, and for pointing out that claims 7, 8 and 17 would be allowable if rewritten to redress the rejections under 35 U.S.C. 112.

112 Rejections

In the Office Action mailed June 22, 2005, claims 1-9 and 17 stand rejected under 35 U.S.C. 112, second paragraph. The Office Action alleges that at least one element linking the stationary cam and a wall is required to render the claimed hinge assembly operable. Applicant has made the suggested amendment to expedite prosecution. Claims 1 and 17 have thereby been amended to further recite "a wall mounting bracket including a nipple acceptance opening disposed through a leg projecting away from a mounting wall and adapted to accept the nipple projecting from the stationary cam cylinder." The element added with the foregoing amendment is disclosed in the original specification at least at page 9, lines 22-25 (the position of the stationary cam cylinder 144 is maintained by the relation between "the threaded nipple 152 and a nipple acceptance opening 182 within the lower pivot bracket 158") and at FIG 2. Applicant respectfully submits that claims 1 and 17 as now written fully comply with the requirements of 35 U.S.C. 112. Claims 2-9 depend from claim 1 and are likewise compliant with 35 U.S.C. 112. Accordingly, Applicant requests that the rejections be withdrawn.

102(b) Rejections

In the Office Action, claims 1-4 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 3,083,402 to Foltz (Foltz). In light of the foregoing amendment, Applicant respectfully traverses the rejection. A claim is anticipated only if each and every element is found, either expressly or inherently described, in a single prior art reference. MPEP 2131. Foltz fails to suggest the unique combination of elements suggested by claim 1. As best understood, Foltz fails to suggest at least that "a cross-section of at least one of the rotating cam cylinder and the stationary cam cylinder is continuous, the cross-section being a plane parallel to at least one of the first and second angled cam surfaces," as recited by independent claim 1 (emphasis added). This added element is disclosed in the original specification at least at page 10, lines 13-14 ("the cam cylinders may be substantially solid with flat planar contacting surfaces") and at FIG. 2.

As best understood, Foltz teaches that cross-sections of pivot elements 30 and 46, taken parallel to plane surfaces 36 and 54, respectively, are discontinuous. That is, each cross-section is interrupted by a vertical bore, through which pintel 58 passes to maintain alignment of pivot elements 30, 46. Foltz column 3, lines 21-21; See also FIGS. 2, 3, and 6. Foltz thus fails to teach or suggest every element of claim 1. Therefore, Applicant respectfully submits that claim 1 is allowable. Further, claims 2-4 depend from claim 1 and necessarily include the same patentable combination of elements. Accordingly, Applicant respectfully submits that claims 2-4 are also allowable and requests that the rejections be withdrawn.

103(a) Rejections

In the Office Action, claim 9 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Foltz alone, and claims 5 and 6 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Foltz in view of U.S. Patent 4,113,194 to Hensley (Hensley). In light of the foregoing amendment, Applicant respectfully traverses the rejection.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. MPEP 2143.03. For at least the same reasons discussed above with respect to claim 1, Foltz fails to suggest at least that "a cross-section of at least one of the rotating cam cylinder and the stationary cam cylinder is continuous, the cross-section being a plane parallel to at least one of the first and second angled cam surfaces," as claimed through dependency from claim 1. Hensley also fails to suggest this claim element, being cited by the Examiner only for disclosing a nylon slide using molybdenum as a lubricant. As best understood, Hensley is not directed towards a gravity actuated hinge, much less towards a cam cylinder of continuous cross-section. Thus, Hensley does not suggest the claimed structure of the present invention and thereby fails to overcome the deficiencies of Foltz. Applicant respectfully submits that claims 5, 6, and 9 are thereby allowable and request that the rejections be withdrawn.

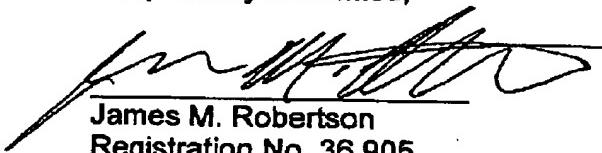
Conclusion

In light of the foregoing amendments and remarks, Applicant respectfully submits that claims 1-17 are allowable. Accordingly, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Fee Authorization: In the event that there are additional fees associated with the submission of these papers, Applicant hereby authorizes the Commissioner to withdraw fees from Deposit Account No. 50-1424.

Extension of Time: To any extent that an extension of time is required to have the papers submitted herewith for the above referenced application be considered timely, Applicants hereby petition for any additional time required to make these papers timely and authorization is hereby granted to withdraw any additional fees necessary for this additional time from our Deposit Account No. 50-1424.

Respectfully submitted,



James M. Robertson
Registration No. 36,905

864-583-0030 (voice)
864-583-0002 (fax)